

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. John Nasshon Brown

Docket No. 7:02-CR-125-2

Petition for Action on Supervised Release

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of John Nasshon Brown, who, upon an earlier plea of guilty to Bank Robbery and Aiding and Abetting, in violation of 18 U.S.C. § 2113(a) and 2, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on June 24, 2003, to the custody of the Bureau of Prisons for a term of 94 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall participate in a program of mental health treatment, as directed by the probation office.
4. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
5. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

John Nasshon Brown was released from custody on September 1, 2009, at which time the term of supervised release commenced.

On July 14, 2010, as a sanction for marijuana use on June 23, 2010, the court modified the releasee's conditions to include 2 days confinement in the Bureau of Prisons, the DROPS condition beginning in the second use level and the cognitive behavioral program. On August 9, 2010, the releasee submitted another positive urine screen for the use of marijuana. He was referred for a 5 day DROPS sanction on September 2, 2010.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

The releasee submitted a urine specimen which revealed a positive result for marijuana on January 5, 2012. The releasee admitted to the probation officer he had used marijuana the week prior when he was under a lot of stress. Since September 2011, the releasee has missed several scheduled surprise urinalysis testing days and mental health appointments. Further, he has failed to make payments towards his monetary obligation with the court. When confronted regarding his non-compliance, the releasee submitted documentation that he had been hospitalized for Superficial Thrombophlebitis, in October, and placed on bed rest for several days.

Although the releasee has had legitimate health concerns, it is apparent he has been negligent concerning his supervision responsibilities. He has been admonished and instructed to adhere to all testing and treatment conditions in the future. The releasee recently started a new job and has requested he be permitted to remain under supervision. As a sanction for his behavior, he has agreed to modifying his conditions to include 90 days home detention.

The offender signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

John Nasshon Brown
Docket No. 7:02-CR-125-2
Petition For Action
Page 3

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton
Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: (910) 815-4857
Executed On: January 24, 2012

ORDER OF COURT

Considered and ordered this 26th day of January, 2012, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge